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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Art Unit: 1646  
LIDER et al )  
Appln. No.: 09/763,293 ) Examiner: S. C. Prasad  
Filed: February 21, 2001 ) Washington, D.C.  
Confirmation No.: 4984 )  
For: ANTI-INFLAMMATORY )  
PEPTIDES DERIVED FROM IL-2) #10  
AND ANALOGUES THEREOF ) M.Q.J  
10/16/02

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES AND NOTICE TO COMPLY  
WITH SEQUENCE DISCLOSURE REQUIREMENTS

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action of August 13, 2002, petition and payment for a one month extension of time being attached hereto, in which applicants are required to elect a species of IL-12 peptide, applicants elect the species of peptide 2 (pep2) of SEQ ID NO:1. Claims 1-4, 7, 8, and 18 read on the elected species.

It is understood that upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form of otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Regarding the election of species requirement for claim 17, it is submitted that this is made moot by the cancellation of claims 13 and 15-17 in the Preliminary Amendment filed February 21, 2001.

On the matter of the Notice to Comply with Sequence

Disclosure Requirements, the examiner indicates that the claims recite up to 46 synthetic peptides and their corresponding derivatives which have

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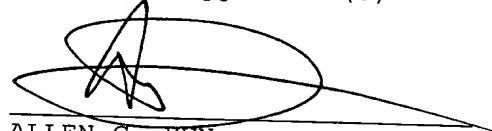
not been identified by SEQ ID NOS. Applicants submit that the paper copy sequence listing and the CRF filed with the response dated May 29, 2001, comply with the sequence disclosure requirements. While there are up to 46 synthetic peptides recited in the claims, there are a number of peptides, such as pep1, pep7, pep8, pep9, pep10, that are only three amino acid residues in length and therefore, being less than a sequence of four amino acid residues, are not required to be identified by SEQ ID NOS. Furthermore, pep11, pep13, pep34 and pep45 have the same sequence as pep12, pep14, pep35 and pep46, respectively, but are distinguished by being either linear or circular peptides. Accordingly, applicants have previously complied with the requirements of the sequence rules and this Notice to Comply is therefore made moot.

Favorable consideration and allowance are respectfully solicited.

Respectfully submitted,

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By



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